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| APPLICATION NO.                      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/808,133                           | 03/15/2001  | Keisuke Iwai         | P 279078            | 4613             |
| 909                                  | 7590        | 09/01/2005           | EXAMINER            |                  |
| PILLSBURY WINTHROP SHAW PITTMAN, LLP |             |                      | LAYE, JADE O        |                  |
| P.O. BOX 10500                       |             |                      | ART UNIT            | PAPER NUMBER     |
| MCLEAN, VA 22102                     |             |                      | 2617                |                  |

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/808,133             | IWAI, KEISUKE       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jade O. Laye           | 2617                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 June 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 27-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 27-38 is/are rejected.
- 7) Claim(s) 34 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

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### ***Response to Arguments***

1. Applicant's amendments, dated 6/13/05, have been entered and made of record.
  
2. Applicant's arguments with respect to newly added Claims 27-38 have been considered but are moot in view of the new ground(s) of rejection. Accordingly, **THIS ACTION IS MADE FINAL.**

### ***Claim Objections***

3. Claim 34 is identical to Claim 28. Although the Examiner assumes Applicant intended for Claim 34 to refer back to Claim 33, the Claims should be corrected to reflect such intent.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 27-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Iwabuchi* (Japanese Patent No. JP2000-59717) in view of *Ekel et al* (US Pat Pub. No. 2002/0002707) and further in view of *Yamadadera*. (Japanese Patent No. JP2000-13707).

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Claim <sup>A</sup> recites a broadcast receiving system, comprising limitations too numerous to recite herein. (Please refer to claim sheet). Addressing Claim 1, *Iwabuchi* discloses a broadcast receiving system comprising a receiving apparatus, which acquires program guide (“EPG”) info represented by a plurality of elements, a means for storing EPG data, first and second slots for receiving a removable storage medium, a means for reading from and writing to said medium, and a reservation processing means for selecting broadcast programming read from said medium. (Pars. [0005, 0011, 0014, & 0049-0051], Fig. 4). But, *Iwabuchi* fails to specifically recite the use of a program reservation terminal, which can receive simplified EPG info via a communication network. However, within the same field of endeavor, *Ekel et al* disclose a similar system wherein a hand held display device is capable of receiving various electronic data (including television data) via a communications network. (Pars. [Abstract; [0004, 0007-0010, 0019-0022, & 0031-0032]).

Neither of the before-mentioned references discuss the use of a hand-held reservation terminal comprising a slot for a removable medium. However, within the same field of endeavor, *Yamadadera* discloses a similar system which comprises a hand held device comprising a slot for a removable medium and an input means for designating (i.e., reserving) EPG programs. (Pars. [0011, 0015, & 0036]). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant’s invention to combine the systems of *Iwabuchi*, *Ekel*, and *Yamadadera* in order to provide an interactive television reservation system which gives the user greater mobility and improved remote capability.

Claim 33 corresponds to the system Claim 27. Thus, it is analyzed and rejected as previously discussed.

As to Claim 28, *Ekel* further teaches the system can utilize a mobile communications network. (Par. [0013 & 0023]). The remainder of the limitations were encompassed under the rejection of Claim 27. Accordingly, the combined system of *Iwabuchi*, *Ekel*, and *Yamadadera* disclose all limitations of Claim 28.

Claim 34 corresponds to Claim 28. Thus, it is analyzed and rejected as previously discussed.

As to Claim 29, *Iwabuchi* further discloses a conversion process in which program information stored on the removable medium is converted to a format which can be read by the receiving device. (Par. [0014 & 0035-0051]). Although *Iwabuchi* does not disclose whether this action is achieved via the manipulation of first or second bits, such a limitation would be an obvious variant. At some level, it is inherent the system process and convert bits of information, and such a process could be achieved via the manipulation of any number of bits. The remainder of the limitations were disclosed and discussed under the rejection of Claim 27. Accordingly, the combined system of *Iwabuchi*, *Ekel*, and *Yamadadera* disclose all limitations of Claim 29.

Claim 35 corresponds to Claim 29. Thus, it is analyzed and rejected as previously discussed.

The limitations of Claim 30 are combinations of limitations from Claims 27 and 29. Thus, Claim 30 is analyzed and rejected as discussed therein.

Claim 36 corresponds to Claim 30. Thus, it is analyzed and rejected as previously discussed.

The limitations of Claim 31 mirror those of Claim 28. Thus, it is analyzed and rejected as discussed therein.

Claim 37 corresponds to Claim 31. Thus, it is analyzed and rejected as previously discussed.

As to Claim 32, *Iwabuchi* teaches the television receiver is capable of storing and converting the reservation data into a format suitable for the recording device. (Pars. [0035-0051]). (Note: the television receiver of *Iwabuchi* can be interpreted to read upon Applicant's "broadcast reservation terminal."). Accordingly, the combined system of *Iwabuchi*, *Ekel*, and *Yamadadera* disclose all limitations of Claim 32.

Claim 38 corresponds to Claim 32. Thus, it is analyzed and rejected as previously discussed.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye  
August 25, 2005.



NGOC-YEN VU  
PRIMARY EXAMINER